



Department Source: City Utilities - Sewer/Stormwater

To: City Council

From: City Manager & Staff

Council Meeting Date: December 5, 2016

Re: Authorizing Approval of an Abatement Order on Consent and a Memorandum of Understanding with the Missouri Department of Natural Resources

Executive Summary

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute two agreements with the Missouri Department of Natural Resources related to sanitary sewer overflows and the development of an Integrated Management Plan for Wastewater and Stormwater. One agreement is an Abatement Order on Consent and the other is a Memorandum of Understanding.

Discussion

The City of Columbia and other operators of Publicly Owned Treatment Works (POTW) were required to begin self-reporting wet weather sanitary sewer overflows to the Missouri Department of Natural Resources (MDNR) in the spring of 2008. Subsequently, MDNR received a "Complaint for Agency Action" related to the number of wet weather sanitary sewer overflows reported in 2010. MDNR contacted the City in January 2011 to begin discussions regarding the need for enforcement action and an Abatement Order to address the wet weather overflows. The initial proposal was estimated to cost approximately \$57 million in the first 15 years with an unidentified cost in the subsequent five years. The initial proposal required expenditure of the funds on specific projects with a defined schedule and included no provisions for flexibility in the schedule or funding. Staff has been negotiating with MDNR since that time to resolve the matter in a mutually agreeable manner to both the City and MDNR. Since the initial contact from MDNR, the City has increased efforts to reduce inflow and infiltration to start addressing wet weather sanitary sewer overflows. During fiscal years 2012 through 2017, a total of approximately \$14.7 million has been appropriated in the capital budget for collection system rehabilitation. This does not include funding for any other type projects which help reduce inflow and infiltration, private common collector elimination, sewer system evaluation surveys, etc.

In 2012, the United States Environmental Protection Agency (EPA) released a new framework to help local governments meet Clean Water Act obligations. This framework is titled "Integrated Municipal Stormwater and Wastewater Planning Approach Framework" (IMP). The IMP framework assists EPA regional offices, states and local governments with developing voluntary storm and wastewater management plans and implementing effective integrated approaches that will protect public health by reducing overflows from wastewater systems and pollution from urban storm water runoff. This framework provides flexibility to pursue innovative solutions and allows communities to develop plans that prioritize their investments in storm and wastewater infrastructure.



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Staff recommended that utilizing the IMP framework could benefit the City by allowing more flexibility and local control in determining the priority and schedule for projects necessary to meet regulatory requirements while still addressing current operation, maintenance and system rehabilitation needs. This flexibility allows for better decision making based on the community's priorities and helps keep user rates affordable compared to the traditional approach. The traditional approach typically involves an AOC with a rigid schedule and specific spending requirements. Prior to completion of work required in a typical AOC, additional improvements are often required by schedules of compliance included in operating permits which require additional funding in short times periods resulting in rapidly rising user rates. MDNR agreed with the approach to use the IMP framework to address the wet weather overflows, operation, maintenance and system rehabilitation needs and to address other future regulatory requirements. The Council previously approved the development and appropriated funding for the IMP and the plan development is in process.

There are two agreements attached to the ordinance. One is a Memorandum of Understanding. The purpose of this agreement is to acknowledge and agree that the City will develop an IMP for the wastewater and stormwater systems and that MDNR will use the plan as a basis for future regulatory decisions and compliance schedules in the operating permit. The second agreement is the Abatement Order on Consent (AOC). This agreement addresses all past discharge violations from 2008 to the date of execution of the agreement. The agreement acknowledges the ongoing development of an IMP and the Memorandum of Understanding. It includes a civil penalty in the amount of \$15,000 for the discharge violations and reimbursement of investigative costs in the amount of \$5,477.89.

Fiscal Impact

Short-Term Impact: The penalty and reimbursement for investigative costs totals \$20,477.89 and will be paid from the FY2017 operations budget. The development of the IMP will cost approximately \$817,300.00 and the funding was previously appropriated in the FY2016 budgets for the Sewer Utility and the Storm Water Utility

Long-Term Impact: The long term costs of operating, maintaining and complying with all regulatory requirements for both the sanitary sewer system and the storm water systems is anticipated to be hundreds of millions of dollars. The anticipated cost and schedule will be determined with the Integrated Management Plan and budgeted in future years in both the operating and capital budgets for both utilities as the plan is implemented.

Vision & Strategic Plan Impact

[Vision Impacts:](#)

Primary Impact: Environment, Secondary Impact: Governance & Decision Making, Tertiary Impact: Development



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Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Environmental Management, Tertiary Impact: Inter-Governmental Cooperation

Legislative History

Date	Action
02/01/2016	(B18-16) Authorizing an Engineering Services Agreement with HDR to develop an Integrated Management Plan for the Sanitary Sewer and Storm Water Utilities and Appropriating Funds.
11/21/2011	Abatement Order on Consent Presentation at the November 21, 2011 Pre-Council Meeting

Suggested Council Action

Staff recommends approving the ordinance authorizing the City Manager to execute these agreements with the Missouri Department of Natural Resources.